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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: pending Patent Application : Docket # MPD316
of:
John Hawkins : Group Art Unit: 1712
Serial No. 10/018,557 :
Filing Date 04/11/02 : Examiner: Metzmaier; Daniel S.
For: "SURFACTANT EMULSIONS AND :
STRUCTURED SURFACTANT :
SYSTEMS" :

10/1/03

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313 on October 1, 2003.

Signature Martha Victory

REQUEST FOR RECONSIDERATION UNDER 37 C.F.R. 1.111

Reconsideration of the above-identified Application for patent in light of the claim amendments and remarks herein presented is hereby requested. Enclosed herewith this response to the first Office Action in this matter by Applicant are amendments to the claims and arguments pertaining to why Applicant believes the instant invention as now claimed to be patentable in view of the prior art and applicable law.

Arguments

The 08/01/03 Office Action has indicated that claims 1-8 are rejected under 35 USC 103(a) being obvious in view of the disclosures contained in the newly-identified reference of Clapperton when combined with other prior art as mentioned in the Office Action.

Applicant respectfully submits that the Clapperton reference (US 6,090,762) is not available to be used as a reference in rejecting the claims in the instant application under 35 USC § 103, because the Clapperton patent and the instant application were commonly owned at the time the instant invention was made. Submitted herewith is the sworn statement of European Patent Attorney Roger G M Savidge, attesting to this fact.

Thus, the rejection of claims 1-8 under 35 USC § 103(a) should be reconsidered and withdrawn, and these claims passed on to issue as soon as is practicable.

All communications in regards to this matter should be directed to the undersigned Agent at the address below. Thank you for your consideration.

Respectfully Submitted,



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